

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF WYOMING**

PENNACO ENERGY, INC., MARATHON  
OIL COMPANY, and DEVON ENERGY  
CORPORATION,

Petitioners,

STATE OF WYOMING, YATES  
PETROLEUM CORPORATION,  
ANADARKO PETROLEUM COMPANY,  
NANCE PETROLEUM CORPORATION,  
WILLIAMS PRODUCTION RMT  
COMPANY, CARLTON DEWEY, MIKE  
COULTER, JESS ANDERSON, JOANN  
TWEEDY, and CHARLES TWEEDY,

Intervenor Petitioners,

vs.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, ROBERT  
ROBERTS, in his official capacity as  
REGIONAL ADMINISTRATOR, REGION  
8, UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Respondents,

STATE OF MONTANA, TONGUE RIVER  
WATER USERS' ASSOCIATION,  
POWDER RIVER BASIN RESOURCE  
COUNCIL,

Intervenor Respondents.

FILED  
U.S. DISTRICT COURT  
DISTRICT OF WYOMING

OCT 13 2009

Stephan Harris, Clerk  
Cheyenne

Case No. 06-CV-100-B

*Consolidated with*

06-CV-228-B

06-CV-229-B

06-CV-235-B

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## JUDGMENT

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This matter came before the Court for an administrative review hearing. The Court entered an order finding that the matter should be remanded to the EPA. NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- 1) The Court **VACATES** the EPA's approval of Montana's 2003 and 2006 water quality standards.
- 2) The Court **REMANDS** this matter to the EPA to:
  - a) Consider the entire 2003 administrative record;
  - b) Determine whether the 2003 numeric standards are based on appropriate technical and scientific data; and
  - c) Make plain its course of inquiry, analysis and reasoning for its action as to the 2003 and 2006 standards, including whether appropriate scientific data supports the actual numeric values adopted by the State of Montana; and
  - d) Clarify that the EPA is not approving classification of the Powder River and Little Powder River as Tier II.

Dated this 9th day of October, 2009.

  
UNITED STATES DISTRICT JUDGE